

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

|                           |   |              |
|---------------------------|---|--------------|
| UNITED STATES OF AMERICA, | ) |              |
|                           | ) |              |
| Plaintiffs,               | ) |              |
|                           | ) | 4:05CR3060-2 |
| V.                        | ) |              |
|                           | ) |              |
| FERNANDO NUNEZ,           | ) |              |
|                           | ) | ORDER        |
| Defendant.                | ) |              |

I have appointed Joe Gross to serve as stand-by counsel in this case. Mr. Gross has provided me with a copy of a letter he sent to David Eaton. Among other things, Mr. Gross advises Mr. Eaton that Mr. Gross found “no basis for Mr. Nunez to be justifiably dissatisfied with the adequacy of [Eaton’s] counsel.” I will order that the letter be filed and made a record but sealed. The letter will not be made available to counsel for the government. Accordingly,

IT IS ORDERED that:

(1) A copy of Mr. Gross’s letter dated April 30, 2007, tendered to the Clerk, shall be filed under seal and not made available to counsel for the government.

(2) The parties and Mr. Gross are reminded that the court will conduct a hearing regarding Mr. Eaton’s continued involvement as counsel, with sentencing to follow if possible, on Tuesday, May 8, 2007, at 12:30 p.m. The defendant shall be present, along with Mr. Gross, Mr. Eaton and Ms. Fullerton.

May 2, 2007.

BY THE COURT:

*s/ Richard G. Kopf*  
United States District Judge